

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NORTHWEST ENVIRONMENTAL  
ADVOCATES,

Plaintiff,

v.

CITY OF MEDFORD,

Defendant.

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Case No. 1:18-cv-00856-CL

ORDER

MCSHANE, Judge:

Magistrate Judge Mark D. Clarke filed a Findings and Recommendation (ECF No. 58), and the matter is now before this Court on Defendant's objections. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). I review *de novo*. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct.

Magistrate Judge Clarke's Findings and Recommendation (ECF No. 58) is adopted in full. Plaintiff's Motion for Summary Judgment (ECF No. 34) is GRANTED in part and DENIED in part. Summary judgment is granted as to Plaintiff's First Claim for Relief and denied as to Plaintiff's Second and Third Claims for Relief. Defendant's Motion for Summary Judgment

(ECF No. 40) is DENIED. Both parties' motions to strike are DENIED. The parties have thirty days to consent to trial before a magistrate judge. If the parties do not consent, the case will be reassigned to Judge Michael J. McShane.

IT IS SO ORDERED.

DATED this 30th day of September, 2021.

/s/ Michael J. McShane  
Michael McShane  
United States District Judge